

ENTERED

May 22, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEIDRIS DUANWOODS BURTON,
(SPN #02509263)

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§

§

Plaintiff,

§

§

v.

CIVIL ACTION NO. H-18-1075

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HARRIS COUNTY JAIL,

§

§

Defendant.

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MEMORANDUM AND OPINION

Deidris Duanwoods Burton, a pretrial detainee at the Harris County Jail, has filed a complaint under 42 U.S.C. § 1983, alleging violations of his civil rights in connection with his current confinement. He is representing himself.

On April 6, 2018, the court denied Burton's motion for leave to proceed without prepaying the \$350.00 filing fee for indigent litigants because he failed to include a certified copy of his inmate trust fund account statement. (Docket Entry No. 4). The court ordered Burton to submit within 30 days a properly supported motion to proceed without prepayment of the filing fee. That order expressly warned Burton that his failure to comply as directed would result in dismissal of this action for want of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure.

Burton has neither responded to the court's order nor otherwise complied. Burton's failure supports dismissal for want of prosecution. *See FED. R. CIV. P. 41(b); see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) ("[t]he failure to comply with an order of the court is grounds for dismissal with prejudice"); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may, on its own motion, dismiss an action for failure to prosecute or to comply with any court order). Burton

may seek relief from this order if he properly shows grounds, which at a minimum includes full compliance with the court's previous orders. *See* FED. R. CIV. P. 60(b).

This action is dismissed without prejudice for want of prosecution.

SIGNED on May 21, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge